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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,483	02/20/2004	Kazuyo Abe	2471/108	1765
2101 7590 02/06/2008 BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EXAMINER BADR, HAMID R	
			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			02/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,483

Applicant(s)

ABE ET AL.

Examiner

HAMID R. BADR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/21/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Objection to Abstract

The abstract is objected to for being two paragraphs and not summarizing the invention.

The abstract should be a paragraph of 150 words summarizing the invention in a concise descriptive manner. Revision is required.

Claim Objections

1. Claims 3-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from other multiple dependent claims. Claim 3 is already multiply dependent. See MPEP § 608.01(n).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-²/~~7~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Blortz et al. (US 5,985,337) in view of Pommer et al. (US 5,882,718).
4. Blortz et al. disclose a process for preparing protein hydrolysates from protein containing animal products using endopeptidases (Abstract).
5. Blortz et al. preferably use a neutral or an alkaline protease having an endopeptidase effect. (Col. 3, lines 15-17).
6. They make a hydrolysate out of pork rind which has been coarsely minced. (col. 3, lines 32-36). In the hydrolysis process, the rind is comminuted mechanically and

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disrupted by boiling or steaming prior to the enzymic treatment to optimize the hydrolysis yield (Col. 3, lines 40-43).

7. They teach heating the hydrolysate, at the end of the hydrolysis, to inactivate the enzyme. (Col. 3, lines 48-50)

8. They give amounts of water, protease, the substrate (the rind), the hydrolysis temperature and duration of hydrolysis (in hrs) in Example 1 (Col. 4).

9. Blortz et al. are silent regarding the use of plant endopeptidases.

10. Pommer et al. disclose a method for making a protein hydrolysate using various endopeptidases including serine endopeptidases (e.g. trypsin, cucumisin), cysteine endopeptidases (e.g. papain, ficain, actinidain), aspartic endopeptidases (e.g. pepsin) and metaloendopeptidase (e.g. bacillolysin) (Col. 4, lines 7-35).

11. Pommer et al. disclose the pH range and temperature of hydrolysis. They state that pH and temperature will depend on the optimum working pH and temperature characteristics of the enzyme or enzymes employed (Col. 5, lines 30-45).

12. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the teachings of Blortz et al. using the teachings of Pommer et al. to make hydrolysates out of animal protein containing sources. One would have done so to benefit from underutilized animal protein sources and turn them to value added products. Absent any evidence to contrary and based on the teachings of the combined references, there would have been a reasonable expectation of success to make protein hydrolysates.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMID R. BADR whose telephone number is (571)270-3455. The examiner can normally be reached on M-T 5:00 to 3:30 (Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Callie Shosho
Primary Examiner
Art Unit 1794

Hamid R Badr
Examiner
Art Unit 1794

Callie Shosho
Callie Shosho
Supervisory Patent Examiner